

HOUSE BILL 1373

P1

2lr2052

By: **Delegates Acevero and Lehman**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Attorney General and State's Attorney – Law Enforcement – Conflict of Interest**

3 FOR the purpose of establishing what constitutes a conflict of interest for the Attorney
4 General and a State's Attorney in certain cases involving a police officer under
5 certain circumstances; prohibiting the Attorney General and a State's Attorney from
6 being involved in certain cases in which a certain conflict of interest exists; and
7 generally relating to law enforcement, the Attorney General, and State's Attorneys
8 and conflicts of interest.

9 BY adding to

10 Article – State Government
11 Section 6–111
12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY adding to

15 Article – Criminal Procedure
16 Section 15–501 and 15–502 to be under the new subtitle “Subtitle 5. Conflicts of
17 Interest”
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – State Government**

23 **6–111.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
4 3-201 OF THE PUBLIC SAFETY ARTICLE.

5 (3) "MONETARY BENEFIT" MEANS ANY FINANCIAL BENEFIT,
6 INCLUDING A DIRECT FINANCIAL CAMPAIGN CONTRIBUTION.

7 (4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE
8 PUBLIC SAFETY ARTICLE.

9 (B) A CONFLICT OF INTEREST EXISTS WHEN:

10 (1) THE ATTORNEY GENERAL INVESTIGATING, CHARGING, OR
11 PROSECUTING A POLICE OFFICER FOR ALLEGED CRIMINAL CONDUCT WHILE ON
12 DUTY HAS RECEIVED A MONETARY BENEFIT, AT ANY TIME, FROM A FORMAL LEGAL
13 MEMBER ORGANIZATION OR ASSOCIATION REPRESENTING:

14 (I) A LAW ENFORCEMENT AGENCY OR A POLICE OFFICER
15 INVOLVED IN THE INVESTIGATION;

16 (II) A LAW ENFORCEMENT AGENCY THAT, AT THE TIME OF THE
17 ALLEGED CRIME, EMPLOYED THE POLICE OFFICER WHO ALLEGEDLY COMMITTED
18 THE CRIME; OR

19 (III) A LAW ENFORCEMENT AGENCY OF WHICH THE POLICE
20 OFFICER IS A MEMBER OR WAS A MEMBER AT THE TIME OF THE ALLEGED CRIME;
21 AND

22 (2) THE FORMAL LEGAL MEMBER ORGANIZATION OR ASSOCIATION
23 REPRESENTING THE LAW ENFORCEMENT AGENCY OR POLICE OFFICER PROVIDES
24 LEGAL REPRESENTATION TO THE POLICE OFFICER UNDER CRIMINAL
25 INVESTIGATION FOR ALLEGED CRIMINAL CONDUCT THAT OCCURRED WHILE ON
26 DUTY.

27 (C) (1) IF A CONFLICT OF INTEREST EXISTS, THE ATTORNEY GENERAL
28 MAY NOT BE INVOLVED IN ANY DECISION RELATED TO AN INVESTIGATION, CHARGE,
29 OR PROSECUTION OF THE POLICE OFFICER FOR ALLEGED CRIMINAL CONDUCT
30 WHILE ON DUTY.

31 (2) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3) OF THIS
32 SUBSECTION, IF A CONFLICT OF INTEREST EXISTS FOR A STATE'S ATTORNEY UNDER

1 § 15-501 OF THE CRIMINAL PROCEDURE ARTICLE, THE ATTORNEY GENERAL
2 SHALL ASSUME RESPONSIBILITY FOR INVESTIGATING, CHARGING, OR
3 PROSECUTING THE POLICE OFFICER.

4 (3) IF THE ATTORNEY GENERAL INVESTIGATING, CHARGING, OR
5 PROSECUTING A POLICE OFFICER HAS A CONFLICT OF INTEREST UNDER
6 SUBSECTION (B) OF THIS SECTION, THE COURT SHALL APPOINT A SPECIAL
7 PROSECUTOR TO INVESTIGATE, CHARGE, OR PROSECUTE THE POLICE OFFICER.

8 Article – Criminal Procedure

9 SUBTITLE 5. CONFLICTS OF INTERESTS.

10 15-501.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
14 3-201 OF THE PUBLIC SAFETY ARTICLE.

15 (C) “MONETARY BENEFIT” MEANS ANY FINANCIAL BENEFIT, INCLUDING A
16 DIRECT FINANCIAL CAMPAIGN CONTRIBUTION.

17 (D) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
18 PUBLIC SAFETY ARTICLE.

19 15-502.

20 (A) A CONFLICT OF INTEREST EXISTS WHEN:

21 (1) A STATE’S ATTORNEY INVESTIGATING, CHARGING, OR
22 PROSECUTING A POLICE OFFICER FOR ALLEGED CRIMINAL CONDUCT WHILE ON
23 DUTY HAS RECEIVED A MONETARY BENEFIT, AT ANY TIME, FROM A FORMAL LEGAL
24 MEMBER ORGANIZATION OR ASSOCIATION REPRESENTING:

25 (I) A LAW ENFORCEMENT AGENCY OR A POLICE OFFICER
26 INVOLVED IN THE INVESTIGATION;

27 (II) A LAW ENFORCEMENT AGENCY THAT, AT THE TIME THE
28 ALLEGED CRIME WAS COMMITTED, EMPLOYED THE POLICE OFFICER WHO
29 ALLEGEDLY COMMITTED THE CRIME; OR

1 **(III) A LAW ENFORCEMENT AGENCY OF WHICH THE POLICE**
2 **OFFICER IS A MEMBER OR WAS A MEMBER AT THE TIME OF THE ALLEGED CRIME;**
3 **AND**

4 **(2) THE FORMAL LEGAL MEMBER ORGANIZATION OR ASSOCIATION**
5 **REPRESENTING THE LAW ENFORCEMENT AGENCY OR A POLICE OFFICER PROVIDES**
6 **LEGAL REPRESENTATION TO THE POLICE OFFICER UNDER CRIMINAL**
7 **INVESTIGATION FOR ALLEGED CRIMINAL CONDUCT THAT OCCURRED WHILE ON**
8 **DUTY.**

9 **(B) IF A CONFLICT OF INTEREST EXISTS, A STATE'S ATTORNEY MAY NOT BE**
10 **INVOLVED IN ANY DECISION RELATED TO AN INVESTIGATION, CHARGE, OR**
11 **PROSECUTION OF THE POLICE OFFICER FOR ALLEGED CRIMINAL CONDUCT WHILE**
12 **ON DUTY.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2022.